

051506

FORM PTO-1390  
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

ERT 208

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

80/579518

INTERNATIONAL APPLICATION NO.

PCT/DE 2004/002499

INTERNATIONAL FILING DATE

NOVEMBER 12, 2004

PRIORITY DATE CLAIMED

NOVEMBER 14, 2003

TITLE OF INVENTION

DRIVING DEVICE FOR PASSAGE GATES OR THOROUGHFARE GATES

APPLICANT(S) FOR DO/EO/US

LOTHAR LAIS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☒ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO. (37 CFR 1.492)

10/579518

INTERNATIONAL APPLICATION NO.

PG/DE 2004/ 0024 99

ATTORNEY'S DOCKET NUMBER

ERT 208

Submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. .... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

\$ 450. 00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	- 20 =		x \$18.00	\$
Independent claims	- 3 =		x \$80.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$

TOTAL OF ABOVE CALCULATIONS =

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

TOTAL FEES ENCLOSED =

Amount to be refunded: \$

charged: \$

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-0224. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Horst M. Kasper  
13 Forest Drive  
Warren, N.J. 07059

Horst M. Kasper  
SIGNATURE

HORST M. KASPER  
NAME

28,559  
REGISTRATION NUMBER

AP20 Rec'd PCT/PTO 15 MAY 2006

PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# **FEE TRANSMITTAL** For FY 2006

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 450.00

## **Complete if Known**

Application Number PCT/DE 2004/002499  
Filing Date NOV. 12, 04  
First Named Inventor LOTHAR LAIS  
Examiner Name 10/579518  
Art Unit \_\_\_\_\_  
Attorney Docket No. ERT 208

## **METHOD OF PAYMENT (check all that apply)**

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 11-0224 Deposit Account Name: HORST M. KASPER

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## **FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**

### **1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	<u>450.00</u>
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

### **2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		
	<b>Multiple Dependent Claims</b>	<b>Fee Paid (\$)</b>
	<b>Fee (\$)</b>	<u>450.00</u>

### **3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets** **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**  
\_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

### **4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

## **SUBMITTED BY**

Signature Horst M. Kasper Registration No. 28,519 Telephone 908 526 1717  
Name (Print/Type) HORST M. KASPER (Attorney/Agent) Date \_\_\_\_\_

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/579518

1AP20 Rec'd PCT 15 MAY 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lothar Lais

Serial No:

Art Unit:

Filing Date:

Title: DRIVING DEVICE FOR PASSAGE GATES OR THOROUGFARE  
GATES AND DOOR OR GATE DRIVES

Priority Application: Country: Germany; No.: 103 53 366.4; Filing Date: 14 November 2003

PCT Application: No.: PCT/DE2004/002499; Filing Date: November 12, 2004

May 15, 2006

Attorney's Docket No.: ERT208T1

TRANSMITTAL LETTER

Hon. Commissioner of Patents and Trademarks

**BOX PCT**

P.O. Box 1450, Alexandria, VA 22313

SIR:

Transmitted herewith for filing is:

<X> Form PTO-1390

<X> Copy of the PCT application No. PCT/DE2004/002499, Publication No. WO2005/049948  
(8 pages of the specification, 1 drawing sheet and 2 pages of the claims)

<X> English Translation of PCT application No. PCT/DE2004/002499 as filed (8 pages of the  
specification, 2 pages of claims and 1 drawing sheet)

<X> **Applicant claims small entity status. The fees indicated above are reduced by 1/2**

<X> Request to Accept Patent Application for Entering U.S. National Phase under 35 USC § 371

<X> Claim of Priority

<X> Form PTO-1449

<X> Copy of the International Search Report and references cited therein

<X> Information Disclosure Statement

<X> Fees in the amount of **\$450.00** are to be charged to a credit card. Form PTO-2038 is enclosed

(X) The applicant hereby petitions the Commissioner of Patents and Trademarks to extend the time for response to any Office Action outstanding in the above captioned matter as necessary to avoid abandonment of the application. Please charge my deposit account No.11-0224 in the amount required to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to the above account.

(X) The Commissioner is hereby authorized to charge any fees under 37 CFR. 1.16, and 1.17, after a mailing of a Notice of Allowance under 37 CFR 1.18 or any additional fees which may be required during the entire pendency of the application, or credit any overpayment, to Acct. No.11-0224. A duplicate copy of this sheet is enclosed. If and only if account funds should be insufficient, immediately contact our associate, Lisa Zumwalt, at (703)415-0579, who will pay immediately to avoid deprivation of rights.

( ) Please charge my Deposit Account No.11-0224 in the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed. A signature or signatures required for the above recited document(s) is (are) provided herebelow. Such signature(s) also provide(s) ratification for any required signature appearing to be defective in the above recited document(s).

10/579518

AP20 Rec'd PGTPTO 15 MAY 2006

*Horst M. Kasper*

Horst M. Kasper, 13 Forest Drive, Warren, N.J.07059  
Reg. No. 28,559 Tel.(908)526-1717

**Express Mail Certification:** I hereby certify that the correspondence attached hereto is being deposited with the USPS "Express Mail Post Office to Addressee" on the date indicated below and is addressed to the Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313

Deposit Date: 05-15-2006, "Express Mail Mailing Label No": EV 704 549 959 45

Signature: \_\_\_\_\_

*Kasper*

Date: 05-15-2006

**MAY 15 2006**

\*%Pci1:d:trans1(ERT208T1(May 15, 2006(am

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lothar Lais

Serial No:

Art Unit:

Filing Date:

Title: DRIVING DEVICE FOR PASSAGE GATES OR THOROUGHFARE  
GATES AND DOOR OR GATE DRIVESPriority Application: Country: Germany; No.: 103 53 366.4; Filing Date: 14 November  
2003

PCT Application: No.: PCT/DE2004/002499; Filing Date: November 12, 2004

AP20Rec'd PCT/PTO 15 MAY 2006

May 15, 2006

Attorney's Docket No.: ERT208R1

**REQUEST TO ACCEPT PATENT APPLICATION FOR ENTERING  
UNITED STATES NATIONAL PHASE UNDER 35 USC §371**

Hon. Commissioner of Patents and Trademarks

Box PCT

Washington, D.C. 20231

SIR:

A patent application related to the above identified application was filed on November 12, 2004 under the PCT Treaty under the docket number PCT/DE2004/002499. English translation of the originally filed PCT application PCT/DE2004/002499 is enclosed with this filing.


It is respectfully requested that the present application be treated as an application filed under the Section 35 U.S.C. § 371 for transferring a PCT application PCT/DE2004/002499, naming the United States, into the national phase and that the present application be granted any and all benefits and in particular those benefits relating to a priority recognition of prior filings under jurisdiction of treaty members and available under the Patent Cooperation Treaty (Washington Treaty), the Paris Convention

Treaty, and under the United States Code based on the filing under the  
AP20 REG. No. 10 15 MAY 2006  
Patent Cooperation Treaty of PCT application PCT/DE2004/002499.

If there should be any problems in granting the benefits available under the Patent Cooperation Treaty and/or 35 USC §371 based on such items as incompleteness of application, excessive time delays or defective application papers, then it is alternatively respectfully requested that prior to the expiration through abandonment of a filing under 35 USC §371 and under charging the required fees from deposit account, the present application be treated as an application and/or continuation application filed at a time required under any one of the sections 35 U.S.C. §111, 35 U.S.C. §363, and/or 35 U.S.C. §365(c) as applicable and that the present application be treated as a continuation or continuation-in-part application of the PCT application PCT/DE2004/002499.

Recognition of PCT national phase status or, respectively, continuation or continuation-in-part status under the PCT Treaty and/or of the claimed priority dates of November 14, 2003 is respectfully requested for the patent application documents in the above captioned matter.

Respectfully submitted,  
Lothar Lais

By:   
Horst M. Kasper, his attorney,  
13 Forest Drive, Warren, N.J. 07059  
Tel.: (908) 526-1717 Fax: (908) 526-6977  
Reg. No. 28,559; Docket No.: ERT208

10/579518  
AP2004002499 MAY 2006

**APPLICATION FOR UNITED STATES PATENT**

**Inventor(s):** Lothar Lais

**Invention:** DRIVING DEVICE FOR PASSAGE GATES OR  
THOROUGHFARE GATES AND DOOR OR GATE DRIVES

**Attorney's Docket Number:** ERT208

Horst M. Kasper, his attorney  
13 Forest Drive, Warren, N.J. 07059  
Tel. (908)526 1717; Reg. No. 28559  
Attorney's Docket No. ERT208

English translation of the Patent  
Application No. PCT/DE2004/002499

**SPECIFICATION**